

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

GEORGE SKATZES,

Petitioner,

: Case No. 3:09-cv-289

- vs -

District Judge Michael J. Newman
Magistrate Judge Michael R. Merz

WARDEN, Ross Correctional
Institution,

:

Respondent.

ORDER

This capital habeas corpus case was reassigned from District Judge Timothy S. Black to District Judge Michael J. Newman on August 29, 2024 (Notation Order 8/29/2024). On September 3, 2024, Judge Newman re-referred the case to the undersigned (ECF No. 159). The case had originally been referred to the undersigned upon filing pursuant to the General Order of Reference for the Dayton location of court. The new reference essentially replicates the scope of the prior General Order.

Pursuant to permission given by Congress at 28 U.S.C. §636(c)(2), the undersigned reminds the parties of his ability to exercise plenary jurisdiction in this case upon their consent. The parties of course remain completely free to withhold consent without any adverse substantive consequences. The undersigned notes, however, that from the time the prior reference was vacated on June 16, 2017 (ECF No. 153) until Judge Black recused himself, nothing happened in the case.

Counsel for the parties shall convey their decision on whether or not to consent by telephone to Deputy Clerk Kelly Kopf at 937-512-1551 who will maintain the conversation in confidence until and unless there is unanimous consent.

Prior to the vacation of the previous reference, the undersigned had ruled on several pending motions by Petitioner (ECF No. 152). After vacation of the reference, Petitioner filed Objections to that Decision (ECF No. 154) to which the Warden responded (ECF No. 155). Those Objections remained pending, unresolved, at the time the case was reassigned to Judge Newman. At the suggestion of the undersigned, Judge Newman overruled those Objections “[t]o permit full reconsideration by the Magistrate Judge of the issues raised in those Motions, . . . without prejudice to any argument therein which may be renewed in any further briefing of those Motions to be ordered by the Magistrate Judge and consideration of those Motions is recommitted to the Magistrate Judge.” (Order, ECF No. 159, PageID 24396).

It appears likely that the issues raised by those Motions (e.g., the scope of the *Pinholster* bar on new evidence) have been the subject of additional case law in the intervening seven years. Accordingly, the Decision and Order on these Motions (ECF No. 152) is withdrawn. Petitioner may file a new motion or motions seeking parallel relief not later than September 30, 2024.
September 4, 2024.

s/ *Michael R. Merz*
United States Magistrate Judge